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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2616

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,332

Applicant(s)

GONNO ET AL.

Examiner

Joseph G Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 09 August 2004 in application 09/647,332.

The objection to the drawings is now withdrawn in view of the amendments.

Claim Objections

2. Claim 6 is objected to under 37 CFR 1.75. The claim recites two "meta data analyzing means" on lines 14-18. Furthermore, it is noted that applicant states on page 11 of the Remarks that the "user profile" features have been canceled within the claims. However, such corrections are not fully shown in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (US006675385B1).

Regarding claim 1, Wang discloses a system for transmitting electronic program guides (EPGs) for an MPEG digital TV system or “network”. The system stores EPG data or “content data” in a local database or “contents storing means”, wherein the EPG data includes “meta data”, i.e. title, channel information, start time, and stop time of various programs (See Fig. 4; column 2 lines 55-61). The EPG manager of the system generates sets of Web pages based on the EPG data and assigns each Web page a universal resource locator (URL) or “contents segmenting mean for segmenting contents data and generating segmentation information of the contents data” (See column 3 lines 62-66). The web pages are defined by HTML or “meta data schema”, wherein the EPG manager combines the “meta data” and the URLs into the web pages or “meta data combining means” and then are stored (See Fig. 4; column 3 line 62 – column 4 line 8, column 5 lines 5-10). The storage of the web pages also performs the functions of the “meta data schema storing means”, wherein it stores the web pages in HTML format. The HTML web pages of the EPG or “segmented contents data” are then encoded into a MPEG-2 transport stream by the MPEG-2 encoder or “contents converting means”, wherein the MPEG-2 encoder also performs the function of the “meta data converting means” and “meta data schema converting means” (See column 4 lines 9-15). The converted HTML EPG web pages are then transmitted over to the user over the network (See Figs. 1-3).

Claim 2 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, the URLs also serve as the “identifier of the segmentation information”, wherein it identifies all the web pages of the EPG that

includes the "meta data". The URLs are assigned and stored with the web pages or "segmentation information storing means" as discussed above. The URLs are also encoded or "converted" or "segmentation information converting means" and transmitted down to the user over the network.

Regarding claim 3, the HTML web pages of the EPG are encoded or "converted" into an MPEG-2 transport stream or "represents the meta data schema in an MPEG system section format" (See column 4 lines 9-23).

Regarding claim 4, each MPEG packet that contains the HTML web pages of the EPG, that includes the "meta data" and URLs, is assigned a program information descriptor (PID) or is in "descriptor format" (See column 4 lines 9-30).

Regarding claim 5, Wang also discloses a system for receiving HTML web pages of the EPG in an MPEG digital TV system or "network". The set top box (STB) receives the HTML web pages of the EPG or "segmented contents data" that includes the "meta data" and URLs or "segmentation information", wherein the web pages are defined by HTML or "meta data schema" over the network (See Fig. 1). The HTML web pages are stored in memory or "meta data schema storing means" or "meta data storing means" (See Fig. 1 and 3; column 4 lines 41-50). The web browser of the STB performs the functions of the "meta data analyzing means" where it parses, layouts, and renders the HTML web pages of the EPG and the "contents reproduction controlling means" where it displays the HTML web pages of the EPG that includes the URL links to other web pages and the "meta data" as defined by the HTML (See Figs. 3-9).

Claim 7 contains the limitations of claims 2 and 3 and is analyzed as previously discussed with respect to those claims.

Claim 8 contains the limitations of claims 2 and 4 and is analyzed as previously discussed with respect to those claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US006675385B1) in view of Liebenow (US006530083B1).

Claim 6 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, the URLs also serve as the "identifier" to the "segmentation information", wherein the URLs identifies and links all the web pages of the EPG that includes the "meta data". The URLs are assigned and stored with the web pages or "segmentation information storing means" as discussed above in claim 5. The web browser of the STB performs the functions of the "meta data analyzing means" where it parses, layouts, and renders the HTML web pages of the EPG according to the HTML, where it places the "meta data" in the corresponding location on the web pages as well as placing the URL links to other web pages in the corresponding location on the web pages or "analyzing the stored meta data on the

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basis of the meta data schema, and the stored segmentation information on the basis of the identifier" (See Fig. 3-9). However, Wang does not disclose maintaining a user profile.

Liebenow discloses a system for personalized settings where an information handling system or receiver contains user preference profiles or "user profile operating means" that is used to adjust settings of the receiver (See column 2 lines 50-60). The user preference profiles contain information pertaining to the user's favorite channels or stations (See column 7 lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver disclosed by Wang to store, utilize, and maintain user preference profiles, as taught by Liebenow, in order to provide the user a means for customizing the information presented by the receiver thereby making it more convenient to the user.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G Ustaris whose telephone number is 703-305-0377. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JGU
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